

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ADVOCACY, INCORPORATED,

Plaintiff,

vs.

ADELAIDE HORN, in her official
capacity as the Commissioner of the
Texas Department of Aging and
Disability Services,

Defendant.

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CIVIL ACTION NO. 1:08-cv-00071

ORDER

This cause comes before the Court on the Plaintiff's Request for Judgment. The Court, after reviewing the pleadings and agreed evidence, and being otherwise fully advised, finds there is no genuine issue of material fact, and is of the opinion that Plaintiff's motion is meritorious and should be GRANTED.

The Court further:

DECLARES that the Department Policy of refusing to provide Advocacy with death review reports, peer review reports and/or other investigational materials of individuals who die at facilities operated by the Department violates the PAIMI Act and the PADD Acts; and

GRANTS permanent injunctive relief enjoining the Defendant from continuing to refuse Advocacy access to all the records, including peer review and death review records, of R.G. and A.P.

So ORDERED and SIGNED this ___ day of _____, 2008.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE